



South Carolina House of Representatives

Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

Vol. 6

January 10, 1989

No. 1

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Prefiled House Bills

Since the December organizational session, House members have prefiled more than 100 bills to be considered when the 108th session of the General Assembly convenes today.

Here is a rundown of many of the House bills prefiled by last week. Not all bills prefiled by House members are featured here. The bills are organized by the standing committees to which they were referred.

Agriculture and Natural Resources Committee

Infectious Waste Disposal (H.3015, Rep. Sturkie; H.3016, Rep. Sharpe). These two lengthy bills would create the "South Carolina Infectious Waste Management Act," thereby regulating the disposal and treatment of infectious waste in South Carolina. Currently, disposal of infectious waste is regulated by the state's hazardous waste laws.

The bills define infectious wastes, and give full authority to the state Department of Health and Environmental Control for permitting, regulating, and setting standards for the disposal of infectious waste. The bills outline the methods by which infectious waste may be disposed, how it may be transported and stored, and set penalties for violations.

These two House bills are identical to last session's House Agriculture and Natural Resource Committee bill (H.4139) on infectious waste regulation. That bill died on the House contested calendar.

S.C. Wildlife Endowment Fund, (H.3051, Rep. Kirsh). This bill would create the S.C. Wildlife Endowment Fund, whose income and principal could be used only for supporting wildlife conservation programs in the state. The endowment fund's chairman and board members would be the board of the state Wildlife and Marine Resources Commission. The fund would come from the proceeds from the sale of lifetime hunting and fishing licenses, lifetime sportsman

licenses, lifetime combination licenses and any gifts or grants made to the state for wildlife conservation purposes. The fund and its interest income would be a supplement to the State Wildlife Commission and would not take the place of state appropriations to that agency.

In addition to the establishment of the endowment fund, the legislation also sets up a lifetime combination license and a lifetime sportsman license. The lifetime combination license would grant the holder the same privileges of a statewide hunting and a statewide fishing license. The fees would increase with the age of the individual applying, starting with a fee of \$300 available to a child 2-years-old and younger (Type A) and ending with a fee of \$500 for a person 14-years-old or older.

The lifetime sportsman license, which would grant the same privileges to the holder as the current resident sportsman license, would start at \$400 available only to a child 2 or younger (Type A) and ending with a Type C license for \$600 available to a person 14 or older.

Beach Management Trust Fund (H.3084, Rep. Sturkie). This legislation would create in the state treasury the "Beach Management Trust Fund." The fund would be overseen by the Beach Management Trust Fund Oversight Committee, made up of three senators (two from coastal districts), three House members (two from coastal districts), and the governor or his designee. Any member of the Coastal Council is ineligible to serve.

Revenues for the funds would come from an additional one percent in accommodations tax in Beaufort, Charleston, Colleton, Georgetown and Horry counties. Seventy-five (75) percent of these new funds would go into the Beach Management Trust Fund, with the other 25 percent to be kept by the coastal counties where the collection was made.

Under this legislation, the state, through the Coastal Council, would determine critical eroding beaches in need of renourishment. With the approval of the Trust Fund Oversight Committee, the Coastal Council would use the Trust Fund to pay up to 60 percent of the cost of the renourishment, the local government paying the balance. This bill also allows the Trust Fund to be used to help pay the matching cost of federal beach erosion projects, up to 60 percent of the match, if funds are available.

Under the bill, local governments would be allowed to include, as part of a beach restoration project, the purchase of property to enhance public access to the beaches.

The Coastal Council would receive the applications for beach renourishment. The bill outlines how the council is to handle these applications. Before July 1, 1991, the minimum regulatory requirements for a project would include a state-approved shorefront management plan or state-approved local renourishment plan and a state and locally-approved beach access plan.

The criteria used to rank projects would include: general public use, prospects for long-term success, extent of property threatened by erosion, support for the project, and environmental protection.

Education and Public Works Committee

School Trustee Prohibition (H.3007, Rep. M.D. Burriss). This proposal would prohibit any school district employee from serving on the district's board of trustees.

Mandatory Seatbelts (H.3046, Rep. White). This legislation would require all passengers in a motor vehicle to wear seat belts if they are 6-years-old or older. The current child restraint laws, updated during last year's session, would still apply to children 6 and younger. The fine for violation of this proposed law would be not more than \$30. Exceptions to the seat belt law would be those with a written excuse from their doctors, emergency medical transportation, school, church and day care buses, and public transportation, except taxis. A driver could not be stopped solely for violation of this bill or for inspection to determine compliance. Motorists would be given warning tickets for one year after the effective date of this bill, if the legislation is passed.

Obscene Bumper Stickers (H.3053, Rep. Kirsh). This bill would make it a misdemeanor to operate a motor vehicle which has affixed to it a sticker, decal or emblem "containing patently obscene words, photographs or depictions that are displayed to members of the public not occupying the vehicle."

School Districts and Real Estate Holdings (H.3057, Rep. Kirsh). This legislation would delete the current practice of allowing children to attend public school in another school district, other than the one they reside in, if they own property in the other school district.

Social Security Numbers (H.3061, Rep. Kirsh). The driver's social security number would be added to the information required on the state issued driver's license if this legislation passes.

Helmet Law (H.3079, Rep. Hayes). Under this bill, anyone riding a motorcycle (or as the bill says a "two-wheeled motorized vehicle") must wear a helmet, and those driving must wear goggles or a face shield. Currently, the state helmet and goggles law applies only to riders under 21-years-old.

55 MPH Speed Limit Reinstated (H.3089, Rep. Rudnick). The essence of this bill is to reinstate the 55 mph speed limit on all highways and interstates in South Carolina.

Judiciary Committee

County Alcoholic Beverage Sales (H.3011, Rep. Hayes). This bill would give standing to local government ordinances relating to alcoholic beverage sales regulated by the state Alcoholic Beverage Control Commission.

The bill would require the ABC Commission to recognize county or municipal zoning ordinances prohibiting the location of beer, wine or alcoholic beverage establishments in a specific area if the commission finds the zoning laws to be reasonable.

This bill would not apply to establishments already licensed by the ABC Commission.

Criminal Libel and Slander (H.3021, Rep. Wilder). This bill would repeal the section of the South Carolina Code relating to the crime of criminal libel and slander. South Carolina is one of the few states in the U.S. that still has a criminal libel law on the books.

State to Conduct Primaries (H.3023, Rep. Hayes). This bill would give the State Election Commission and the respective county election commissions the authority to conduct all primaries except municipal primaries. Political parties would still be allowed to conducted presidential preference primaries.

Under the proposed bill, certification of the names to be placed on the ballot must be made by the political party chairman, vice chairman or secretary to the State Election Commission or the county election commission no later than noon on May 1. Filing fees must be transmitted to the State Election Commission for use in conducting the primary election. Filing fees are two percent of the annual salary of the office or \$100, whichever is greater.

The five members of each county's election commission would be elected by the county legislative delegation. Currently, the governor may appoint, upon the recommendation of the legislative delegation, three to five election commissioners.

If passed by the General Assembly, this bill would go into effect upon the signature of the governor but only if funded by the Legislature.

Racial Makeup of Criminal Trial Juries (H.3026, Rep. Ferguson). This bill proposes that the percentage of jurors on a criminal trial jury must be the same as the percentage of the county's black population, if the defendant is black. If the defendant is white, the jury makeup must reflect the percentage of the county's white population.

Term Increase for Family Court Judges (H.3039, Rep. Wilkins). This legislation would expand the terms of family court judges from four to six years.

Deleting Voters (H.3044, Rep. White). This bill has to do with the removal of voters from the state's voting lists. Under this bill, voters would not be removed from the list unless they had failed to vote in the last six consecutive statewide general elections. Under the current law, voters are removed by the State Election Commission if they have not voted in the last two statewide general elections. The proposed bill would require the commission to maintain information on voters for 12 years, instead of the current four.

Extending Deadline for Voter Registration by Mail (H.3045, Rep. White). Under current state law, qualified citizens may register to vote by mailing a completed voter registration application 45 days prior to an election. This bill proposes that voters be allowed to register by mail up to 30 days before an election.

Alcohol Content in Blood (H.3055, Rep. Kirsh). This legislation would lower the percentage of alcohol in the blood used to presume intoxication in DUI cases, thereby making the DUI laws stricter. Under the bill, registering a .08, instead of a .10, would infer intoxication. The legislation also lowers the rest of the scale: registering a .03 or less, instead of the current .05 or less, would conclusively presume the defendant is not under the influence of alcohol, and registering between .03 and .08, would not infer DUI but could be used to determine the guilt or innocence of the defendant. This proposed scale would be phased in over the next three years.

Lawyer/Legislators (H.3056, Rep. Kirsh). Members of the General Assembly would be prohibited from appearing before the state Public Service Commission, the State Dairy Commission or the State Insurance Commission in a rate or price fixing matter under this proposed legislation.

The bill also states that no public official or public employee may represent clients for compensation before an agency, board or commission whose members are elected or appointed by the public agency or body of which the public official or employee is a member. This prohibition, however, would not apply to court appearances. The prohibition outlined in this bill would also apply to partners or associates in the law firms of legislators.

More Lawyer/Legislators (H.3066, Rep. Kirsh). In addition to the three state agencies cited in the previous bill (H.3056), members of the General Assembly could not appear before the Worker's Compensation Commission in matters to determine the awarding of worker's compensation or other benefits. As stated in the above bill, this prohibition would also include members of the legislators' law firms. The prohibition would not apply to court appearances, nor would it apply when a legislator must appear as the owner or officer of a business or in his official capacity as a member of the General Assembly.

Destruction of Graves (H.3071, Rep. Burch). Under this bill, the crime of grave destruction would be changed from a misdemeanor to a felony and require a mandatory sentence of not less than one year in jail and not more than five. Fines up to \$2,000 could also be imposed. The minimum one year sentence could not be suspended or probation granted for any portion under this bill.

Selection of Judges (H.3083, Rep. M.O. Alexander). This bill would make changes in the current method of electing and screening judgeship candidates. Under this legislation, the judicial screening committee would be made up of three House members, three senators, and three members of the South Carolina Bar appointed by the governor upon the recommendation of the State Bar.

Further, no judicial candidate could campaign directly or indirectly with the General Assembly for election or re-election until the qualifications of all candidates for the judgeship have been determined by the screening committee.

If the committee finds a judgeship candidate not qualified for the position, no election may be held until additional candidates are given the opportunity to file and be screened by the screening committee.

This bill would prohibit anyone who has not been screened by the screening committee from being nominated from the floor for a judgeship election.

State Conducted Primaries (H.3088, Rep. Taylor). Like the previously cited H.3023, this bill would authorize the State Election Commission to conduct primary elections instead of political parties. Municipal elections would be excluded. Political parties could continue to conduct presidential preference primaries at their own expense.

Disclosure of Patient Information (H.3103, Rep. Lockemy). Under this bill, health professionals would not be held liable for the release of medical or mental health information of a patient if written authorization is given by the patient or the patient's parents or guardian. Further, the bill states the professional privilege against disclosure would also be waived under specified circumstances outlined in the bill; for example: in cases where the patient places his care and treatment at issue in any civil or criminal proceeding; if a health care professional has reasonable cause to believe the physical, mental or emotional condition of a patient may present a danger to himself or others; or in cases of child abuse or in worker compensation cases.

Absentee Ballots (H.3104, Rep. J. Bailey). This legislation would allow persons 65-years-old or older to vote by absentee ballot.

Campaign Literature (H. 3106, Rep. D. Martin). This bill would change where campaign literature could be distributed at polling places. Under the current law, no campaign literature can be distributed 200 feet from the building where the polling place is located. Under this bill, the 200 foot provision would apply to "the exterior door designated by the chairman of the poll managers" -- a change that might allow candidates to get a little closer to the voters for last minute campaigning.

Labor, Commerce and Industry Committee

Senior Citizen Auto Insurance Reduction (H.3003, Rep. P. Harris). This bill proposes giving an automobile insurance premium reduction to those drivers 55-years-old or older who have successfully completed a motor vehicle accident prevention course.

In order to receive the break on auto insurance rates, the driver must take the accident prevention course, approved by the state Highway Department, every three years. The bill also would allow the insurer to require the driver not to be involved in a chargeable accident during the three years the reduction is in effect. This reduction would not be allowed if the driver is required by the court to take the accident prevention course as a result of a traffic violation.

Medical, Military, Public and Municipal Affairs Committee

Law Enforcement Training (H.3041, Rep. Wilkins). Correctional officers and other personnel of the state Department of Corrections would be trained by the department under this legislation. The bill would also change the makeup of the state Law Enforcement Training Council to include the dean of the USC College of Criminal Justice instead of the USC law school dean, who currently serves on the council.

In addition, the bill would require any person hired as a law enforcement officer in South Carolina to be either certified as qualified by the Training Council or to complete a firearms qualification program before he can make any arrest. All law enforcement officers must be certified by the Training Council within a year of their hiring date.

In order to be certified, the prospective officer could not have been convicted of any crime of moral turpitude or of any criminal offense carrying a sentence of one year or more. Law enforcement certification will expire every three years and must be renewed in compliance with the requirements of this code section. This bill also would increase the fees going to the Law Enforcement Training Council from fines levied for traffic or criminal offenses. It also gives the council the enforcement methods to require a public law enforcement agency to comply with these requirements.

Ways and Means Committee

Oxygen Equipment Sales Tax Exemption (H.3005, Rep. McElveen).

This bill would add oxygen and related equipment to the list of medical devices exempt from the state sales tax. The oxygen equipment will be exempt under the bill only if it is necessary to sustain life.

Purchase of Furniture by a Government Agency (H.3035, Rep. Altman). Purchases of furniture, floor or wall coverings, or any decorative item by a governmental agency for a reception area, board room or the offices of a director or assistant director must be formally approved by the agency's governing board under this legislation. The agency would have to submit the price of the improvement and the method of procurement before action could be taken by the board.

Increase for State Retirees (H.3049, Rep. Blackwell). State employees who retired before July 1, 1972 would be given a benefits increase under this legislation. The increase would begin with next July's monthly benefit check, and would equal 50 cents for each year of state service (and other creditable service) and 50 cents for each full year the retiree has received benefits from the Retirement System. This is a one-time increase that would not affect cost of living benefit adjustments or earnings ceilings provided by law.

✓ Omnibus Proviso Bill (H.3050, Rep. Kirsh). This bill is identical to H.4181, introduced last session by Rep. Kirsh. The legislation is directed at the numerous funding provisos which appear year after year in the state budget. The bill would place into law the provisos for permanent programs -- now a part of the state budget document -- so that these provisos would no longer have to be included in, and voted on, during the annual budget deliberations. Some of these budget provisos include dues for national legislative organizations, the parameters of subsistence expenses for legislators and the lieutenant governor, authorization for the state Comptroller General to collect parking garage fees from state employees through payroll deduction, and the directive that all revenues from the Regulatory and Public Service Division be turned over to the general fund. These are just a few of the provisos; the list is long and varied.

Bingo Regulations (H.3052, Rep. Kirsh). This legislation would overhaul current state statutes regulating bingo games in South Carolina. The legislation calls for the State Tax Commission to oversee the regulation of the game.

The bill also outlines what information must be included in an application form submitted to the Tax Commission. This information would include the name of the outside promoter and all people who will work the bingo games. A promoter's license would be required annually with a license fee of \$1,000. Non-profit organizations that do not contract with an outside promoter would have to acquire a promoter's license and pay the \$1,000 fee.

Contracts with promoters must be in writing and stipulate the promoter's compensation, percentage of the net proceeds or both. The bill outlines how the game must be conducted. It requires that a minimum of 60 percent of the gross proceeds taken in by the house be returned to the players in the form of prizes.

Each organization would be taxed an amount per player for each bingo session. The amount of the per player tax would be based on the class of bingo license the organization obtains -- the license classification dependent on the monetary amount of the prizes offered. Nonprofit organizations whose games are conducted through the voluntary efforts of their members would be taxed 4 percent of the gross proceeds.

Under this bill, non-profit organizations that contract with an outside promoter to conduct the game must have an organization representative present at the game. At the completion of the games, the promoter must turn over to the organization representative the gross proceeds less the prize money.

Every organization and promoter licensed to conduct bingo would have to be bonded separately. The minimum bond for a promoter would be \$20,000. The minimum bond for an organization would be determined by its bingo license classification.

Half of the revenue received by the state for regulating bingo would be credited to the General Fund; 37.5 percent to the Parks, Recreation and Tourism Development Fund, and 12.5 percent to the State Commission on Aging.

Child Education Savings Act (H.3054, Rep. Kirsh). This proposed act would allow the creation of a "Child's Education Savings Account." This account would be free from state taxation as long as it is used to pay for college education expenses. Any taxpayer contributing to such an account could take up to a \$3,000 state income tax deduction for contributions made to each account established. The child for whom the account is created must be a South Carolina resident and under 16-years-old. Disbursements from the account must be made to a college or university. Unqualified disbursements would be penalized. This bill is identical to the bill introduced last session by Rep. Kirsh.

Cigarette Rolling Papers (H. 3069, Rep., Kirsh). Cigarette rolling paper would be taxed at the same rate as cigarettes under this bill.

Tax Credits on Ethanol (H.3077, Rep. Kirsh). This legislation would repeal that section of the state code allowing a tax credit on fuel ethanol blends.

Funds for Mandated Programs (H.3082, Rep. Clyborne). This bill would require that any time the General Assembly mandates a program to a local government, the Legislature must also designate from where the funds to carry out the program will come.

Senior Citizen Property Tax Exemption (H.3092, Rep. Ferguson). This bill proposes that real and personal property owned by residents 65-year-old or older be exempt from tax increases. Under this bill, real and personal property taxes would be set at the level they were when the owner turned 65. If a senior citizen acquires real or personal property after he or she turns 65, then the taxes on the property would be maintained at the same level when the person bought it.

Ways and Means Newspaper Ads (H.3094, Rep. Ferguson). If passed by the General Assembly, this bill would require the chairman of the House Ways and Means Committee to publish in three statewide daily newspapers a condensation of the budget report the committee submits to the full House. The report, to be paid for by the state, would be a "concise analysis of the allocations and provisions in the committee's report." The report, to appear in newspapers located in the Piedmont, Midlands and Lowcountry, must be published within 10 days of the committee's report to the House.

Homestead Exemption Increase (H.3096, Rep. M.D. Burriss). This legislation would raise the homestead exemption from the first \$20,000 of fair market value to the first \$30,000. If passed, this increase would begin with the 1989 tax year.

Taxpayer Liability (H.3105, Rep. J. Bailey). Under this bill, no change in state tax laws to conform with federal tax law changes could increase or decrease the taxpayer's state income tax liability. The bill would require that this provision be included in any state legislation enacted to conform with federal changes.

House Committees and Officers

During the December organizational session, House committee assignments were made and officers elected for the 1989-90 sessions. Elections to joint committees and joint committee officers will not be accomplished until the General Assembly convenes today.

The following is a list of those committees and their officers.

AGRICULTURE AND NATURAL RESOURCES COMMITTEE

L. Edward Bennett, Chm.
Larry L. Koon, 1st V.-Chm.
Thomas N. Rhoad, 2nd V.-Chm.
Kenneth E. Bailey, Secy.
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Danny M. Bruce
Kenneth S. Corbett
Maggie W. Glover

Harry M. Hallman, Jr.
Lanny F. Littlejohn
Charles R. Sharpe
John J. Snow, Jr.
C. Lenoir Sturkie
Candy Y. Waites
Timothy C. Wilkes
(two vacancies)

EDUCATION AND PUBLIC WORKS COMMITTEE

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Olin R. Phillips, 2nd V.-Chm.
Edward W. Simpson, Jr., 3rd V.-Chm.
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Ennis M. Fant
Toney L. Farr
Michael F. Jaskwhich

James C. Johnson
Robert O. Kay
Thomas G. Keegan
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Dewitt Williams
David A. Wright

INTERSTATE COOPERATION COMMITTEE

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D. N. Holt, Jr.
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Lucille Whipper, Secy.
James Lockemy, Parliamentarian
James J. Bailey
Boyd Odell Baker
Joe E. Brown
Milford D. Burriss

C. D. Chamblee
G. Ralph Davenport, Jr.
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Jean L. Harris, Secy.-Treas.

Dill Blackwell
Henry E. Brown, Jr.
James G. Mattos

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Speaker Pro Tempore John I. Rogers III
Clerk of the House Sandra K. McKinney

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Harriet H. Keyserling
D. Malloy McEachin, Jr.
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John W. Tucker, Jr.
David H. Wilkins

WAYS AND MEANS COMMITTEE

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